

INTRODUCED BY MR. BENTON,

January 11, 1921.

REFERRED TO COMMITTEE ON MEDICAL AND DENTAL LAWS.

An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the state board of chiropractic examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith.

The people of the State of California do enact as follows:

SECTION 1. A board is hereby created to be known as the "state board of chiropractic examiners," hereinafter referred to as the board, which shall consist of five members appointed by the governor. Each member must have pursued a resident course in a regularly incorporated chiropractic school or college, and must be a graduate thereof and hold a diploma therefrom.

Each member must have practiced chiropractic in the State of California for a period of three years next preceding the date upon which this act takes effect. No two persons shall serve simultaneously as members of said board, whose first diplomas were issued by the same school or college of chiropractic, nor shall more than two members be residents of any one county of the state. And no person connected with any chiropractic school or college is eligible to appointment as a member of the board. Each member of the board, except the secretary, shall receive a per diem of ten dollars for each day during which he is actually engaged in the discharge of his duties, together with his actual and necessary traveling expenses incurred in connection with the performance of the duties of his office, such per diem, traveling expenses and other incidental expenses of the board or of its members, to be paid out of the funds of the board hereinafter defined and not otherwise.

SEC. 2. Within sixty days of the date upon which this act takes effect, the governor shall appoint the members of the

1 board. Of the members first appointed one shall be appointed
2 for a term of one year, two for two years and two for three
3 years. Thereafter, each appointment shall be for the term of
4 three years, except that an appointment to fill a vacancy shall
5 be for the unexpired term only. Each member shall serve
6 until his successor has been appointed and qualified. The gov-
7 ernor may remove a member from the board after receiving
8 sufficient proof of the inability or misconduct of said member.

9 Sec. 3. The board shall convene within thirty days after
10 the appointment of its members, and shall organize by the
11 election of a president, vice president and secretary, all to be
12 chosen from the members of the board. Thereafter elections of
13 officers shall occur annually at the January meeting of the
14 board. A majority of the board shall constitute a quorum.

15 It shall require the affirmative vote of three members of
16 said board to carry any motion or resolution, to adopt any
17 rule, or to authorize the issuance of any license provided for
18 in this act. The secretary shall receive a salary to be fixed by
19 the board in an amount not exceeding one thousand dollars per
20 annum, but not per diem, together with his actual and neces-
21 sary traveling expenses incurred in connection with the per-
22 formance of the duties of his office, and shall give bond to the
23 state in such sum with such sureties as the board may deem
24 proper. He shall keep a record of the proceedings of the board,
25 which shall at all times during business hours be open to the
26 public for inspection. He shall keep a true and accurate
27 account of all funds received and of all expenditures incurred
28 or authorized by the board, and on the first day of December
29 of each year he shall file with the governor a report of all
30 receipts and disbursements and of the proceedings of the board
31 for the preceding fiscal year.

32 Sec. 4. The board shall have power:

33 (a) To adopt a seal, which shall be affixed to all licenses
34 issued by the board.

35 (b) To adopt from time to time such rules and regulations
36 as the board may deem proper and necessary for the perform-
37 ance of its work, copies of such rules and regulations to be
38 filed with the secretary of state for public inspection.

39 (c) To examine applicants and to issue and revoke licenses
40 to practice chiropractic, as herein provided.

41 (d) To summon witnesses and to take testimony as to matters
42 pertaining to its duties; and each member shall have power to
43 administer oaths and take affidavits.

44 (e) To do any and all things necessary or incidental to the
45 exercise of the powers and duties herein granted or imposed.

46 Sec. 5. It shall be unlawful for any person to practice
47 chiropractic without a license so to do. Any person wishing
48 to practice chiropractic shall make application to the board
49 fifteen days prior to any meeting thereof, upon such form and
50 in such manner as may be provided by the board. Each
51 application must be accompanied by a license fee of twenty-

1 five dollars and a certificate showing good moral character of
2 the applicant. Except in the cases herein otherwise pre-
3 scribed, each applicant shall be a graduate of an incorporated
4 chiropractic school or college which teaches a course of not
5 less than two thousand four hundred hours, extended over a
6 period of three school terms of at least six months each, and
7 must give satisfactory proof of having attended not less than
8 ninety per cent of said two thousand four hundred hours, and
9 shall present to the board at the time of making such appli-
10 cation, a diploma from a high school, or proof satisfactory
11 to the board of education equivalent in training power to a
12 high school course.

13 The schedule of minimum educational requirements to
14 enable any person to practice chiropractic in this state is as
15 follows, to wit, except as herein otherwise provided:

16	Anatomy	600 hours
17	Histology	100 hours
18	Elementary chemistry and toxicology	100 hours
19	Physiology	200 hours
20	Bacteriology	100 hours
21	Hygiene and sanitation	100 hours
22	Pathology	200 hours
23	Diagnosis or analysis	400 hours
24	Chiropractic theory and practice	600 hours
25		
26	Total	2400 hours

27 Sec. 6. (a) The board shall meet as a board of examiners
28 on the first Tuesday following the second Monday of January
29 and July of each year, and at such other times and places as
30 may be found necessary for the performance of their duties.
31 The office of the board shall be in the city of Sacramento.
32 Sub-offices may be established in Los Angeles and San Fran-
33 cisco, and such records as may be necessary may be trans-
34 ferred temporarily to such sub-offices. Legal proceedings
35 against the board may be instituted in any one of said three
36 cities.

37 (b) Each applicant shall be designated by a number in-
38 stead of the name so that the identity will not be disclosed to
39 the examiners until the papers are graded.

40 (c) All examinations shall be in writing, except in cases
41 herein otherwise prescribed, and shall be practical in charac-
42 ter, according to the teachings of chiropractic, and designed
43 to ascertain the fitness of the applicant to practice chiro-
44 practic. Said examinations shall be in each of the subjects
45 as set forth in section five hereof. A license shall be granted
46 to any applicant who shall make a general average of seventy
47 five per cent, and not fall below sixty per cent in more than
48 two subjects or branches of said examination. Any applicant
49 failing to make the required grade, shall be given credit for
50 the branches passed, and may without further cost, take the
51 examination at the next regular examination on the subjects
52 in which he failed. For each year of actual practice since

1 graduation the applicant shall be given a credit of one per
2 cent on the general average.

3 Sec. 7. One form of certificate shall be issued by the
4 board of chiropractic examiners, which said certificate shall
5 be designated "License to practice chiropractic," and shall
6 authorize the holder thereof to practice chiropractic in the
7 State of California.

8 Sec. 8. Any person who shall have practiced chiropractic
9 for four years after graduation from a chiropractic school or
10 college, one year of which shall have been in this state preced-
11 ing the date upon which this act takes effect, or any person
12 who graduated from a chiropractic school or college prior to
13 January 1, 1924, and who shall present to the board satisfac-
14 tory proof of good moral character and having pursued a
15 resident course of not less than one thousand hours in a
16 legally incorporated chiropractic school or college shall be
17 given an oral, practical and clinical examination, and if he,
18 or she, make a grade of seventy-five per cent in such exami-
19 nation, the board shall grant a license to said applicant to
20 practice chiropractic in this state under the provisions of this
21 act; provided, however, that application for said license is
22 made within six months of the date upon which this act takes
23 effect and that each applicant shall pay to the secretary of the
24 board the sum of twenty-five dollars.

25 Sec. 9. Notwithstanding any provision contained in any
26 other section of this act the board, upon receipt of the fee of
27 twenty-five dollars, shall issue a license to any of the following
28 named persons:

29 (a) To each member of the board.

30 (b) To any person licensed to practice chiropractic under
31 the laws of another state, having the same requirements as
32 prescribed in this act; and provided, further, that such other
33 state in like manner grants reciprocal registration to chiro-
34 practice practitioners of this state.

35 Sec. 10. (a) The board shall refuse to grant, or may
36 revoke, a license to practice chiropractic in this state or may
37 cause a licensee's name to be removed from all records of
38 licensed practitioners of chiropractic in this state, upon any of
39 the following grounds, to wit:

40 The employment of fraud or deception in applying for a
41 license or in passing an examination as provided in this act;
42 the practice of chiropractic under a false or assumed name;
43 or the personation of another practitioner of like or different
44 name; the conviction of a crime involving moral turpi-
45 tude; habitual intemperance in the use of ardent spirits,
46 narcotics or stimulants to such an extent as to incapacitate
47 him for the performance of his professional duties;
48 the advertising of any means whereby the monthly periods
49 of women can be regulated or the menses re-established
50 if suppressed; or the advertising, directly, indirectly or
51 in substance, upon any card, sign, newspaper advertise-
52 ment, or other written or printed sign or advertisement,

1 that the holder of such license or any other person, company
2 or association by which he or she is employed, or in whose
3 service he or she is, will treat, cure, or attempt to treat or cure
4 any venereal disease, or will treat or cure, or attempt to treat
5 or cure, any person afflicted with any sexual disease, for loss
6 of manhood, sexual weakness or sexual disorder, or any disease
7 of the sexual organs; or being employed by, or being in the
8 service of any person, company or association so advertising.

9 Any person who is a licentiate, or who is an applicant for
10 license to practice chiropractic against whom any of the fore-
11 going grounds for revoking or refusing a license is presented
12 to the board with a view of having the board revoke or refuse
13 to grant a license, shall be furnished with a copy of the com-
14 plaint, and shall have a hearing before the board in person
15 or by an attorney, and witnesses may be examined by the board
16 respecting the guilt or innocence of the accused. The secretary
17 in all cases of revocation shall enter on his register the fact
18 of such revocation, and shall certify the fact of such revoca-
19 tion under the seal of the board to the county clerk of the
20 counties in which the certificates of the person whose certificate
21 has been revoked is recorded; and said clerk must thereupon
22 write upon the margin or across the face of his register of the
23 certificate of such person, the following: "This certificate was
24 revoked on the _____ day of _____ giving the
25 day, month and year of such revocation in accordance with
26 said certification to him by said secretary. The record of such
27 revocation so made by said county clerk shall be prima facie
28 evidence of the fact thereof, and of the regularity of all pro-
29 ceedings of said board in the matter of said revocation."

30 (b) At any time after two years following the revocation
31 or cancellation of a license or registration under this section
32 the board may, by a majority vote, reissue said license to the
33 person affected, restoring him to, or conferring on him, all the
34 rights and privileges granted by his original license or certifi-
35 cate. Any person to whom such rights have been restored
36 shall pay to the secretary the sum of twenty-five dollars upon
37 the issuance of a new license.

38 Sec. 11. (a) Every person who shall receive a license from
39 the board shall have it recorded in the office of the county
40 clerk of the county in which he resides and shall have it like-
41 wise recorded in the counties into which he shall subsequently
42 move for the purpose of practicing chiropractic.

43 (b) The failure or the refusal on the part of the holder of
44 license to have it recorded before he shall begin to practice
45 chiropractic in this state, after having been notified by the
46 board to do so, shall be sufficient ground to revoke or cancel
47 license and to render it null and void.

48 (c) The county clerk of each county in this state shall keep
49 for public inspection, in a book provided for that purpose, a
50 complete list and description of the licenses recorded by him.
51 When any such license shall be presented to him for
52 record he shall stamp upon the face thereof his signed memo-

1 random of the date when such license was presented for
2 record.
3 Sec. 12. Each person practicing chiropractic within this
4 state shall, on or before the first day of January of each year,
5 after a license is issued to him as herein provided pay to said
6 board of chiropractic examiners a renewal fee of two dollars.
7 The secretary shall, on or before November first of each year,
8 mail to all licensed chiropractors in this state a notice that the
9 renewal fee will be due on or before the first day of January
10 next following. Nothing in this act shall be construed to re-
11 quire the receipts to be recorded in like manner as original
12 licenses. The failure, neglect or refusal of any person holding
13 a license or certificate to practice under this act in the State
14 of California, to pay said annual fee of two dollars during the
15 time his or her license remains in force, shall, after a period of
16 sixty days from the first day of January of each year, *ipso*
17 *facto*, work a forfeiture of his or her license or certificate, and
18 it shall not be restored except upon the written application
19 therefor, and the payment to the said board of a fee of ten
20 dollars, except that such licensee who fails, refuses or neglects
21 to pay such annual tax within a period of sixty days after the
22 first day of January of each year shall not be required to sub-
23 mit to an examination for the reissuance of such certificate.
24 Sec. 13. Chiropractic licensees shall observe and be sub-
25 ject to all state and municipal regulations relating to all
26 matters pertaining to the public health and shall make reports
27 as required by law to the proper authorities and such reports
28 shall be accepted by the officers of the departments to which
29 the same are made.
30 Sec. 14. All moneys received by the board under this act
31 shall be paid to the secretary of said board, who shall give a
32 receipt for the same and shall at the end of each month report
33 to the state controller the total amount of money received by
34 him on behalf of said board from all sources, and shall at the
35 same time deposit with the state treasurer the entire amount
36 of such receipts, and the state treasurer shall place the money
37 so received in a special fund, to be known as the "state board
38 of chiropractic examiners' fund", which fund is hereby
39 created. Such fund shall be expended in accordance with law
40 for all necessary and proper expenses in carrying out the
41 provisions of this act, upon proper claims approved by said
42 board or a finance committee thereof.
43 Sec. 15. Any person who shall practice or attempt to
44 practice chiropractic, or any person who shall buy, sell or
45 fraudulently obtain a license to practice chiropractic, whether
46 recorded or not, or who shall use the title "chiropractor" or
47 "D. C." or any word or title to induce, or tending to induce
48 belief that he is engaged in the practice of chiropractic without
49 first complying with the provisions of this act; or any licensee
50 under this act who uses the word "doctor" or the prefix
51 "Dr." without the word "chiropractor," or "D. C." immedi-
52 ately following his name, or the use of the letters "M. D." or

1 the words "doctor of medicine," or the term "surgeon," or
2 the term "physician," or the word "osteopath," or the letters
3 "D. O." or any other letters, prefixes or suffixes, the use of
4 which would indicate that he or she was practicing a profession
5 for which he held no license from the State of California, or
6 any person who shall violate any of the provisions of this act,
7 shall be guilty of a misdemeanor and upon conviction thereof
8 shall be punished by a fine of not less than fifty dollars and
9 not more than two hundred dollars, or by imprisonment in the
10 county jail for not less than thirty days nor more than ninety
11 days or both.
12 Sec. 16. Nothing in this act shall be construed to prohibit
13 service in case of emergency, or the domestic administration
14 of chiropractic, nor shall this act apply to any chiropractor
15 from any other state or territory who is actually consulting
16 with a licensed chiropractor in this state; *provided*, that such
17 consulting chiropractor shall not open an office or appoint a
18 place to receive patients within the limits of this state; nor
19 shall this act be construed so as to discriminate against any
20 particular school of chiropractic, or any other treatment, nor
21 to regulate, prohibit or apply to, any kind of treatment by
22 prayer; nor to interfere in any way with the practice of
23 religion. Nor shall this act apply to persons who are licensed
24 under other acts.
25 Sec. 17. It shall be the duty of the several district
26 attorneys of this state to prosecute all persons charged with
27 the violation of any of the provisions of this act. It shall be
28 the duty of secretary of the board, under the direction of the
29 board, to aid attorneys in the enforcement of this act.
30 Sec. 18. Nothing herein shall be construed as repealing
31 the "medical practice act" of June 2, 1913, as amended
32 April 24, 1915, and April 11, 1917, except in so far as that
33 act may conflict with the provisions of this act as applied to
34 persons licensed under this act, to which extent any and all
35 acts or parts of acts in conflict herewith are hereby repealed.
36 Sec. 19. If any section, subsection, sentence, clause or
37 phrase of this act is for any reason held to be unconstitutional,
38 such decision shall not affect the validity of the remaining
39 portion of this act. The legislature hereby declares that it
40 would have passed this act, and each section, subsection,
41 sentence, clause and phrase thereof, irrespective of the fact
42 that any one or more other sections, subsections, sentences
43 clauses or phrases be declared unconstitutional.